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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2674

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,272

Applicant(s)

ENGEL ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is made in response to applicant's amendment/argument filed on 11/16/2005. Independent claims 22, 38, 53, and 69 are amended. Thus, claims 2, 3, 6-8, 10, 11, 14-18 and 22-83 are currently pending in the application. Applicant's arguments, see pages 11-12, with respect to amended claims 22, 38, 53, and 69 are moot in new ground of rejections.
2. The objection of claim 49 is withdrawn.

Claim Objections

3. Claims 7, 10, 37 and 52 are objected to because of the following informalities:
"indictor" due to typo, it should be read --indicator-- . Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2, 3, 8, 10, 11, 16-18, 22-34, and 53-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Trueblood (newly cited, US 5,675,755).

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6. As to independent claims 22 and 53, Trueblood teaches a visual display system associated with a method, the visual display system comprising:

a plurality of discrete screens spaced physically apart from one another [window 206 is now adjacent to but does not overlap with window 204, see Fig. 7, col. 8, lines 43-44], each of the screens having a 2-dimensional plane [each rectangular window is a 2-dimensional plane, see Fig. 7], at least one of the screens-being viewable through at least one of the other screens [the selection of a normal window that overlaps with one or more always-visible windows does not cause the normal window to be moved higher in the stack order than the always-visible windows, see fig. 3, col. 8, lines 10-14];

a visual indicator [a visual indicator 212, see Fig. 3, col. 7, lines 22-25]; and

an input device moves the visual indicator off the 2-dimensional plane of one of the plurality of screens and onto another one of the plurality of screens [A visual indicator 212 is also shown on screen 202. Visual indicator 212 is used by a user to indicate a location on screen 202. Visual indicator 212 moves across screen 202 in response to user manipulation of a user input device, such as a mouse or trackball, see Figs. 39, col. 7, lines 17-25].

7. As to claims 2, 10, 27-30, 43-46, and 58-61, Trueblood teaches the visual indicator is a cursor 212, see Fig. 3.

8. As to claims 3, 11, 25, 41, and 56, Trueblood teaches the user input device such as the mouse, see col. 7, lines 24-25

9. As to claims 23 and 54, Trueblood teaches the mouse 18, see col. 7, lines 24-25, as a user selectable input.

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10. As to claim 26, 42, and 57, Trueblood teaches a user can select windows 210, see Fig. 3, col. 7, lines 62-67.

11. As to claims 8, 16, 31-33, 34, 47-50, and 62-65, Trueblood teaches the visual indicators are windows 204, 206, 208 and 210, see Figs. 3-9, col. 7, lines 17-22.

12. As to claims 17, 18, 24, and 55, Trueblood teaches the alternative input device is a pen, see col. 5, line 13.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 35, 38-50, 66, and 69-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trueblood.

15. As to independent claims 38 and 69 share similar limitations to those included in claims 22 and 53 and therefore the rationale of rejection will be the same. Claims 38 and 69 has the added limitation software supplemental to software drivers for the input device to cause the visual indicator to move from one of the plurality of screens and onto another one of the plurality of screen.

However, Trueblood teaches the hardware comprising the user input device such as the mouse, see col. 7, lines 24-25. It may be realized by using hardware and by using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of

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either computer program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See *In re Ruff*, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

16. As to claims 43-46 and 74-77, Trueblood teaches the visual indicator is a cursor 212, see Fig. 3.

17. As to claims 41 and 72, Trueblood teaches the user input device such as the mouse, see col. 7, lines 24-25

18. As to claims 39 and 70, Trueblood teaches the mouse 18, see col. 7, lines 24-25, as a user selectable input.

19. As to claims 42 and 73, Trueblood teaches a user can select windows 210, see Fig. 3, col. 7, lines 62-67.

20. As to claims 47-50 and 78-81, Trueblood teaches the visual indicators are windows 204, 206, 208 and 210, see Figs. 3-9, col. 7, lines 17-22.

21. As to claims 35 and 66, share similar limitations to those included in claims 22 and 53 and therefore the rationale of rejection will be the same. Claims 35 and 66 has the added limitation software supplemental to software drivers for the input device to cause the visual indicator to move from one of the plurality of screens and onto another one of the plurality of screen.

However, Trueblood teaches the hardware comprising the user input device such as the mouse, see col. 7, lines 24-25. It may be realized by using hardware and by using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of

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either computer program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See *In re Ruff*, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

22. As to claims 40 and 71, Trueblood teaches the alternative input device is a pen, see col. 5, line 13.

23. Claims 6, 7, 14, 15, 36, 37, 51, 52, 67, 68, 82, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trueblood in view of Fukuda et al (newly cited, US 6,163,318) hereinafter Fukuda.

24. As to claims 6, 7, 14, 15, 36, 37, 51, 52, 67, 68, 82, 83, Trueblood teaches all of the claimed limitation, except wherein the visual indicator move to a different z axis coordinate, but the same x-y coordinate, wherein the movement of the visual indicator from one screen to another screen gives the appearance of providing a visual bridge between the screens.

However, Fukuda teaches the visual indicator (a cursor M1) moves to a different z-axis coordinate (the depths of the windows is detected, see Fig. 16, col. 8, lines 34-40) but the same windows (same transparent X and Y coordinate, see col. 2, line 10).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the z axis coordinate/the depths of the windows as taught by Kukuda in the windows of Trueblood in order to achieve the benefit of intend to control the transparent windows, because this would provide the overlapped hidden window can be easily found out. The overlapping state of windows can be easily

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grasped. Thus, there is an effect such that a working efficiency of the window processes can be improved (see Kukuda, col. 8, lines 62-65).

Response to Arguments

25. Applicant's arguments with respect to claims 2, 3, 6-8, 10, 11, 14-18 and 22-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KMN
January 20, 2006



P. N. EDOUARD
SENIOR PATENT EXAMINER